



PUBLIC NOTICE

US Army Corps
of Engineers
Rock Island District

Applicant: John J. Anderson

Date: January 28, 2004
Expires: February 26, 2004

CEMVR-OD-P-382080-1

Section 404

**Joint Public Notice
US Army Corps of Engineers
Iowa Department of Natural Resources**

1. Applicant. Mr. John J. Anderson, 15882 Westbrook Street, Applington, Iowa 50604.
2. Project Location. Section 1, Township 89 North, Range 18 West, Grundy County, Iowa; on an unnamed tributary to Beaver Creek.
3. Project Description. To channelize approximately 2095 linear feet of existing stream channel. The purpose of the project is to improve drainage on the applicant's property. The applicant proposes to create approximately 1880 linear feet of new stream channel to replace the existing meandered stream channel. The new channel will have a 14-foot bottom width with 4H:1V sideslopes. The applicant also proposes to place tile on the west side of the new stream channel to assist in draining existing emergent wetlands adjacent to the stream. The Natural Resources Conservation Service (NRCS) has determined there are approximately 2.0-acres of existing wetland at the project location. The proposed project will result the loss of the existing wetlands. The applicant has proposed to mitigate for wetland impacts by constructing wetland mitigation in Section 35, Township 86 North, Range 17 West, Grundy County, Iowa. The mitigation site will be graded and a berm will be constructed to impound water from a 512-acre watershed. The proposed wetland mitigation will result in a 0.7-acre emergent wetland surrounded by a 1.6-acre native grass buffer.
4. Agency Review.
 - a. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - b. State of Iowa. The project plans have been submitted to the Iowa Department of Natural Resources for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Department's opinion that the proposed activity will comply with Iowa's water quality standards (Chapter 61 IAC). The applicant has also applied for authorization of work in the floodplain pursuant to Chapter 455B of the Iowa Code and other applicable state permits. Written comments concerning possible impacts to waters of Iowa should be addressed to: Iowa Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 11. of this public notice for address).
5. Historical/Archaeological. The Corps consulted with the State of Iowa geographic information systems (GIS) archeological site and survey databases as maintained by the Office of the State Archaeologist of Iowa and the State Historical Society of Iowa and current as of August 2003. No archaeological surveys or sites are located in the permit area although six previously recorded sites are documented within a mile of the wetland mitigation portion of the permit area in a similar topographic setting. The permit is for creek straightening and wetland mitigation. The creek-straightening portion of the permit area is confined to the active meanderbelt and has low potential for intact cultural resources. Further evaluation of this portion of the permit area is not required. The Corps has determined that the wetland mitigation portion of the permit area has the potential to contain historic properties that may be eligible for listing on the National Register of Historic Places (NRHP). The Corp will require the applicant to submit two (2) copies of a Phase I archaeological survey and geomorphological evaluation report covering the wetland mitigation portion of the permit area. Geomorphological investigation must extend at least 50 centimeters below the proposed depths of soil disturbance or to a depth below which no possibility of historic properties exists. The applicant, in addition to the Phase I survey, may be required to conduct additional Phase II test excavations to evaluate sites for eligibility for inclusion in the NRHP as well as other studies, site avoidance, or data recovery as may be the case. The Corps has determined that no historic properties are affected by issuance of this permit based upon the fact that "the nature, scope, and magnitude of the work, and/or structures to be permitted are such that there is little likelihood that a historic property exists or may be affected" (33 CFR Part 325, Appendix C.3.b).

6. Endangered Species. District staff have performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. Our preliminary determination is that the proposed activity is not likely to adversely affect any listed species or critical habitat. Therefore, no formal consultation has been initiated with the United States Fish and Wildlife Service at this time. However, this preliminary determination is subject to change should further information become available.

7. Dredge/Fill Material Guidelines. The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

8. Public Interest Review. The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

9. Who Should Reply. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. Public Hearing Requests. Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. Reply to the Corps. Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: OD-P, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. **Mr. Jon Klingman (309/794-5329)** may be contacted for additional information.

Attach
Plan

Jon A. Klingman
Project Manager
Regulatory Branch

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.

SUBJECT: CEMVR-OD-P-382080-1

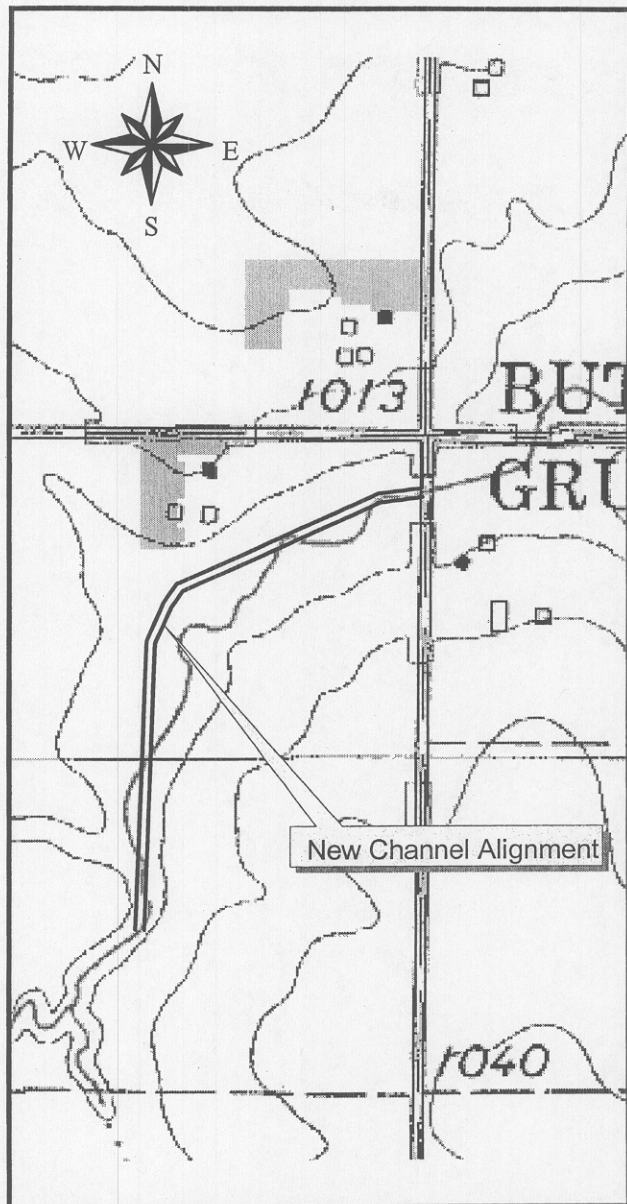
KLINGMAN
OD-PP

APPLE
OD-PP

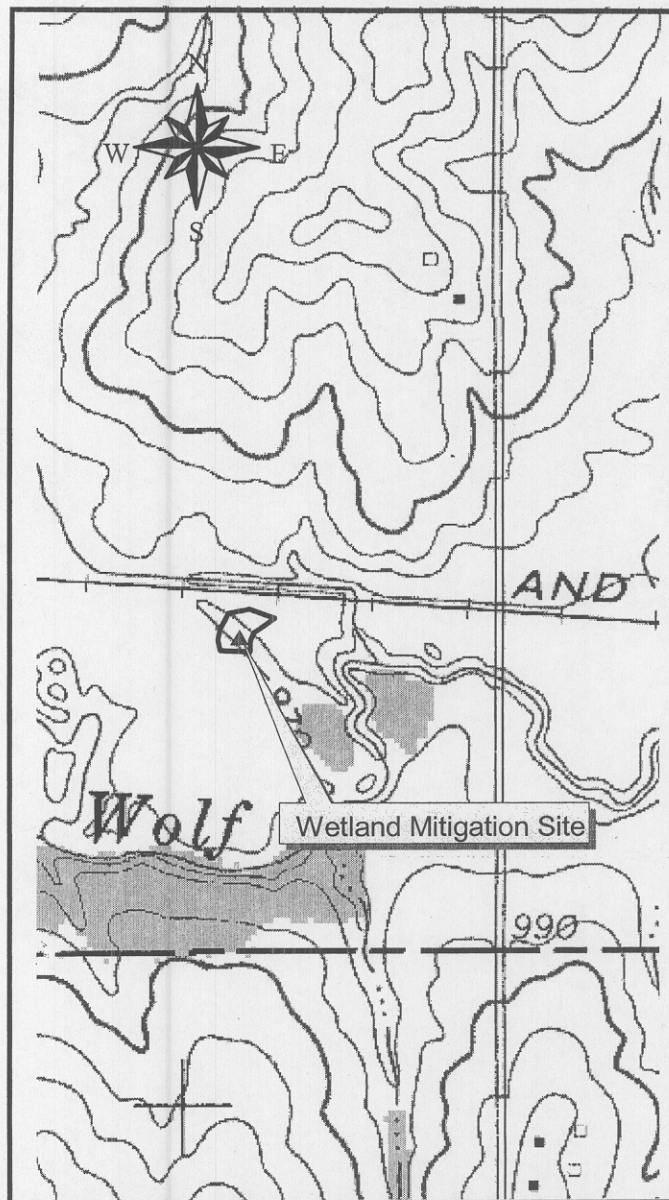
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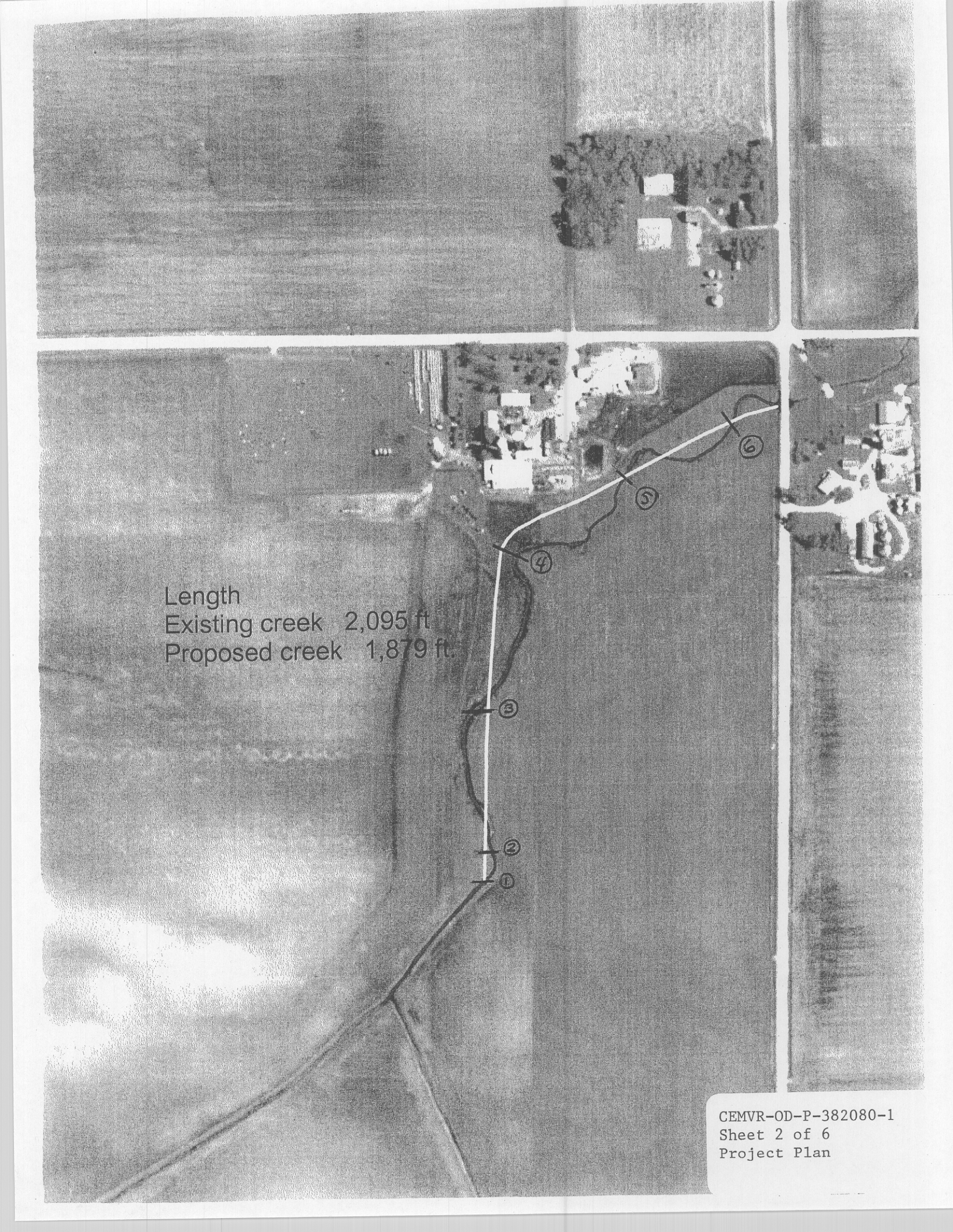
KLINGMAN
OD-PP

Section 1, T89N, R18W
Grundy County, Iowa

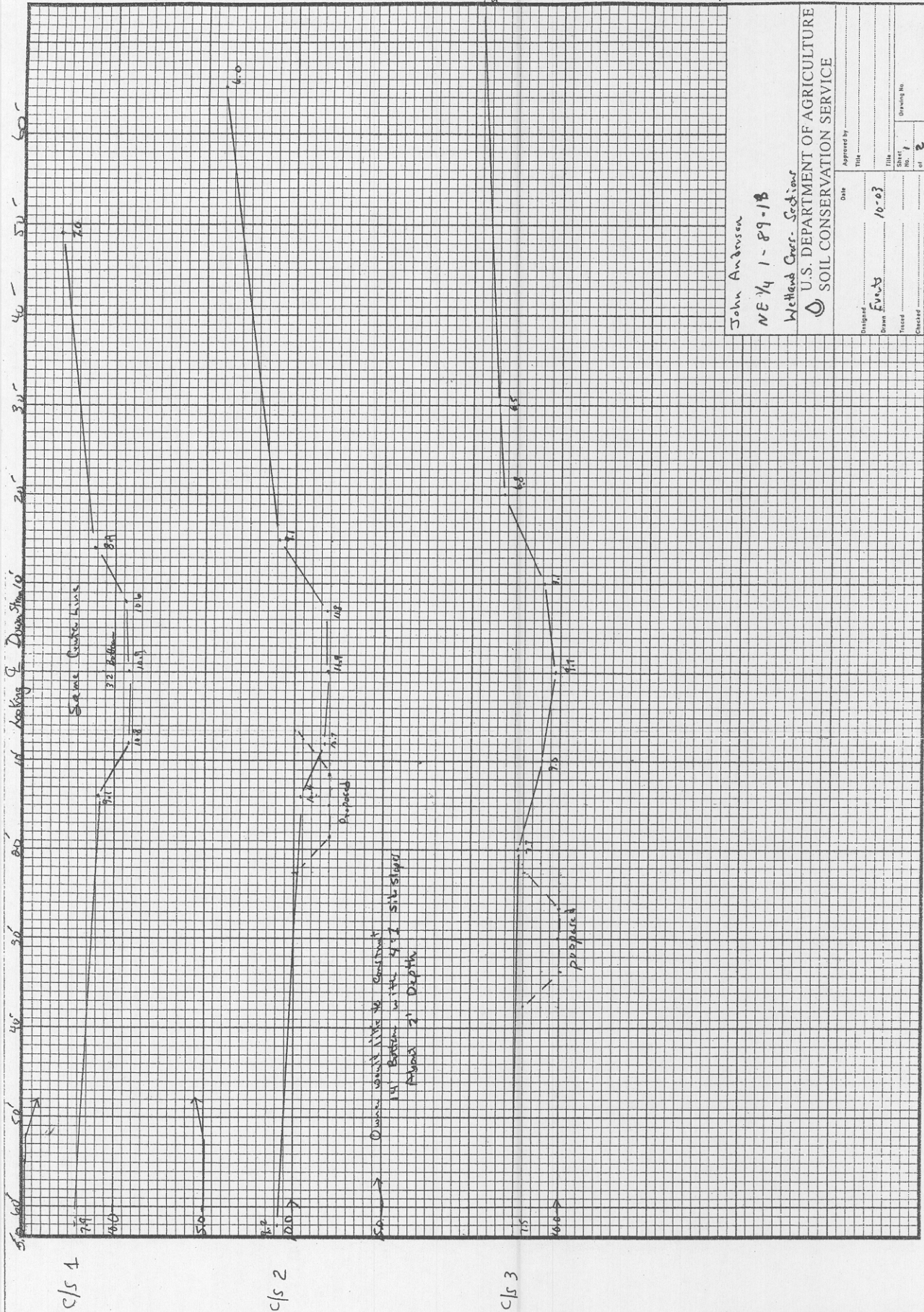


Section 35, T86N, R17W
Grundy County, Iowa





Length
Existing creek 2,095 ft
Proposed creek 1,879 ft.

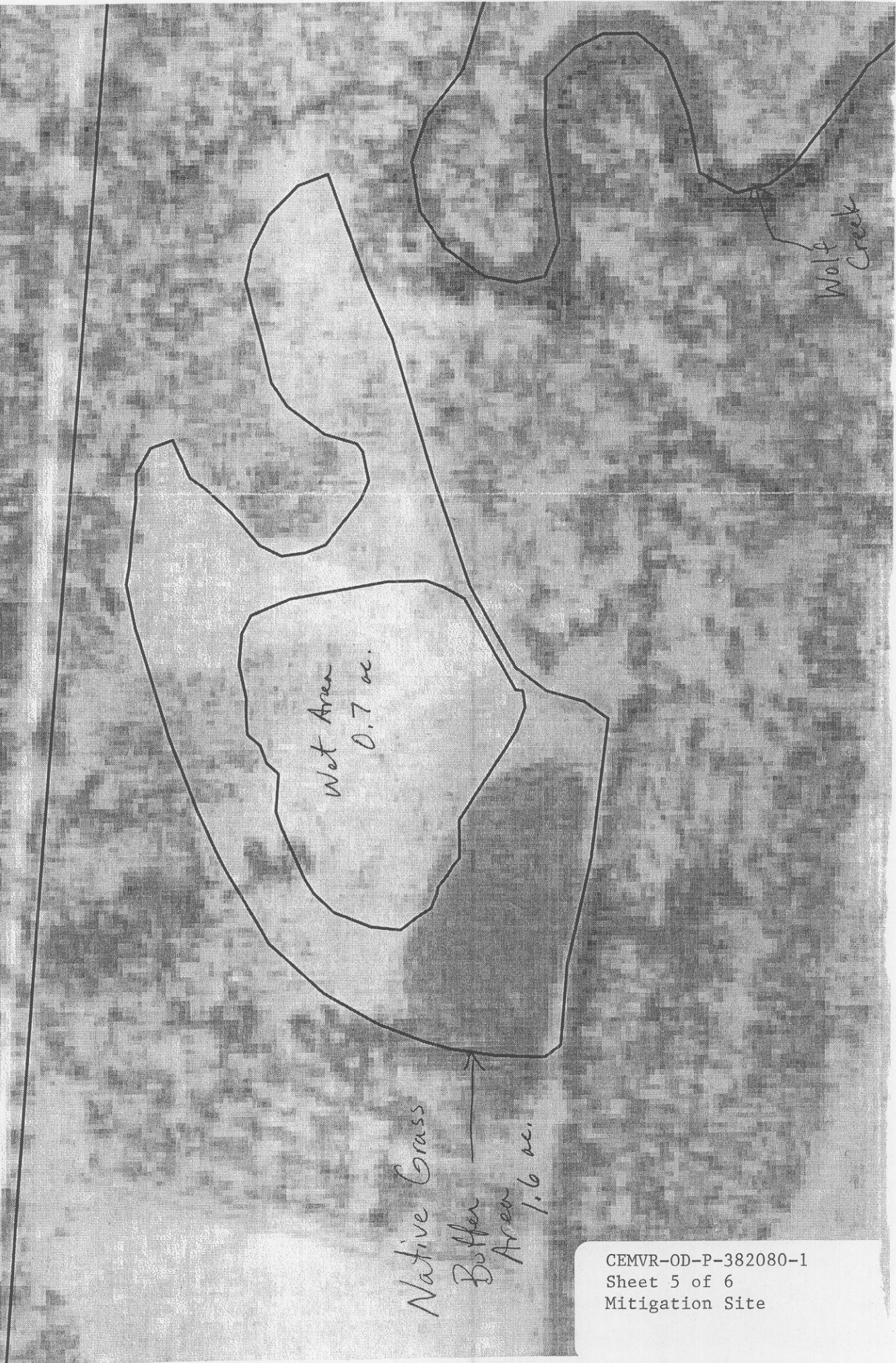


John Anderson
 NE 1/4 1-89-18
 Wetland Corr. Section
 U.S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designated	Date	Approved by	Title
Drawn	10-03		
Field			
Checked			
Sheet No.			
Drawing No.			
of			

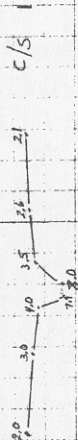
Proposed Wetland Mitigation Site

SW 1/4 Sec 35
T86N R17W



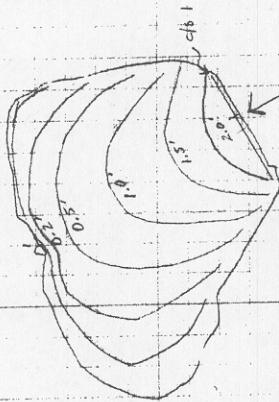
2

Current



10.0

Wet Area



Proposed depth

Barricade
2.5'
Emergency Spillway
2.0'

John Anderson
SW 1/4 35 86-17

Wetland Cross Sec.

USDA NATURAL RESOURCES CONSERVATION SERVICE

Designed	Drawn	Traced	Checked
M. J. C.	M. J. C.		
Date		Date	
11-2-03		11-2-03	
Title		Title	
Wetland Cross Sec.		Wetland Cross Sec.	
Sheet No.		Sheet No.	
Drawing No.		Drawing No.	